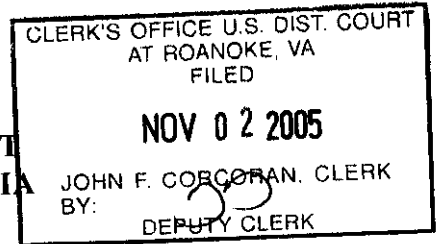


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



PATRICK DENNIS TAYLOR,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

Civil Action No. 7:05cv00244

MEMORANDUM OPINION AND
ORDER

By: Samuel G. Wilson
United States District Judge

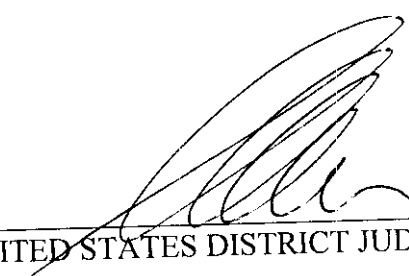
This matter is before the court on petitioner Patrick Dennis Taylor's motion for free copies of his trial transcripts. The petitioner states that he needs the transcripts to prepare his appeal of this court's August 11, 2005, order dismissing his motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. §2255.

An indigent defendant who is pursuing a motion under §2255 is entitled to free transcript(s) from his criminal proceedings only if the court finds that the §2255 motion is not frivolous and that the transcript is needed to decide the issues presented in the motion. See 28 U.S.C. § 753(f); United States v. MacCollom, 426 U.S. 317 (1976); United States v. Shoaf, 341 F.2d 832, 833-34 (4th Cir. 1964) (indigent defendant must show some need for transcript beyond his mere desire to comb the record in hope of discovering errors to raise in habeas). As the petitioner did not need these transcripts to prepare his §2255 motion and has not explained why he now needs the transcripts to prepare his appeal, the court cannot find at this time that he is entitled to a transcript at government expense. Accordingly, it is hereby **ORDERED** and **ADJUDGED** that defendant's motion for free transcripts is **DENIED**.

The Clerk is directed to send a certified copy of this order to the defendant.

ENTER:

This 2nd day of November, 2005.


UNITED STATES DISTRICT JUDGE